

1,2. Examiner rejects CLAIM 9 under 35 USC 102(b) as being anticipated by Fisher 4,785,509, in that

"Fisher teaches a grappling hook in which a shank defines first and second ends, and a grasping end has first and second ends as claimed. The claimed 'balance point' will be an inherent feature of any such hook."

Applicant strongly traverses Examiner's rejection, especially in light of new CLAIM 13, which is cancelled CLAIM 9 rewritten to emphasize the difference between the present invention and the reference Fisher.

The grappling hook of Fisher does not operate according to Applicant's cancelled CLAIM 9 or new CLAIM 13.

Fisher may indeed have a "balance point", as Examiner states, but it does not enter into the claimed operation of his hook as claimed by Applicant. The rotation of Fisher's hook 10, as it is drawn over rail 18 or obstruction 28, depends upon whether the tension in rope 22 is sufficient to tip first end 38 over onto its beveled face so that tine 30 can hook under, or engage the face of, obstruction 28.

Fisher nowhere refers to a "balance point" and it does not enter into the rotation of his hook in any way.

Further, those who have used Fisher's hook report that it does not always work as claimed, whereas Applicant's hook always works as it should.

3,4. Examiner has rejected CLAIMS 10-12 under 35 USC 103(a) as being obvious "within the level of skill of the ordinary routineer working in the art at the time of the invention".

Applicant has cancelled CLAIMS 10 and 11.

Regarding CLAIM 12, Examiner states that a method of making carries no weight in an apparatus claim.

Applicant has cancelled CLAIM 12 and rewritten it as method CLAIMS 14 and 15.

5. Examiner states that Applicant's arguments filed October 18, 2000 are not persuasive, since Applicant's lack of Fisher's bevel does not make cancelled CLAIM 9 patentable.

Applicant herein argues that Fisher's bevel does not perform the same function as Applicant's balance point. Even though, as Examiner states, Applicant's balance point is an inherent feature of a hook, Fisher does not even mention it in his description, relying upon the tension in his rope to turn his hook upon his beveled surface. Fisher has designed a bevel into his hook to perform the turning function, whereas Applicant uses the inherent balance point to obtain the same result.

Applicant's hook has met with enthusiastic reception among boaters. This is especially true with women boaters, who are often the "crew" for boat operators. In many cases, a woman will purchase Applicant's hook with her own funds, even in the face of disapproval from the (male) boat operator, because of the ease of using it, especially in those situations where there is no one at a moorage to receive a thrown line. Many women simply do not have the physical strength or agility to clamber easily to a chosen moorage, or the skill to maneuver the boat if the male boater performs the needed "gymnastics".

This same argument holds with respect to the references Lewis 5,619,947, Stitcher 1,563,451, Palmer et al

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It is believed that the Continuation Application, as amended by this Preliminary Amendment, is now in condition for Allowance or Appeal. Accordingly, allowance is respectfully requested.

Respectfully Yours,  
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